

### **REMARKS**

Applicants respectfully request reconsideration of this application in view of the foregoing amendment and following remarks.

#### **Status of the Claims**

Claims 54, 55 and 57-63 are currently pending in this application, and stand rejected.

#### **Rejections under 35 U.S.C. §103**

Claims 54, 55, 57 and 62 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,256,063 to Saito et al. ("Saito") in view of U.S. Patent No. 5,136,320 to Kobayashi ("Kobayashi"). Claims 58-60 and 63 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Saito in view of Kobayashi, and in further view of U.S. Patent No. 5,210,567 to Takahashi ("Takahashi"). Claim 6 has been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Saito in view of Kobayashi, and further in view of U.S. Patent No. 6,344,875 to Hashimoto et al. ("Hashimoto").

In *Response to Arguments* section, the Office Action describes, *inter alia*, that:

Kobayashi reference discloses a camera with photographing modes and a lock mode that are set by a main switch 30 and when the main switch is not set to a photographing mode it is set to the lock mode where the lens is set to a non-sensing position (see column 10, lines 17-26). It implied that the combination of Saito and Kobayashi discloses the determination device causing the driving device to move the image sensing optical system to the non image sensing region, in a case where said determination device judges that said image sensing apparatus is released from a photographing mode including that of the first state. (pages 2 and 3 of the Office Action)

Claim 54 has been amended for further clarification. In particular, amended claim 54 recites, *inter alia*, that "a determination device configured to judge at least whether said image sensing apparatus is in a first state of being functionally connected to an external unit that can instruct said image sensing apparatus with a plurality of operations including an image sensing

operation and a non-image sensing operation ... wherein said determination device causes said driving device to move the image sensing optical system to the non image sensing region based on a judgment that said image sensing apparatus is released from the image sensing operation of the first state by functionally disconnecting from the external unit.”

The present invention teaches that the determination device “judges” whether the image sensing apparatus is at least one of the three states, i.e., a first state, a second state and a third state. In particular, the first state is a state in which the image sensing apparatus is connected to an external unit (e.g., a computer) which can instruct the image sensing apparatus with a plurality of operations. A portion of the original specification teaches that the camera may be connected to an external computer to exchange image data with the computer, or the computer may instruct the camera to sense an image. See, e.g., paragraph [0098] of U.S. Pub. No. 2003/0202109 which is a published application corresponding to the present application (i.e., serial no. 09/266,253). Another portion of the specification describes that “the barrier 8 is kept closed and the block 2 is not extended from the retracted region, in a case where operations except for image-sensing, such as image-transfer operations in the PC mode, are being performed.” (paragraph [0114] of the corresponding published application)

One of the aspects of the present inventions as featured in amended claim 54 is to keep the image sensing optical system to a retracted position within the camera house as much as possible thereby preventing the image sensing optical system from being contaminated, damaged and/or broken. See, e.g., paragraph [0108] of the corresponding published application. In other words, the barrier 8 of the image sensing apparatus is opened and the image sensing optical system 2 is extended only when the image is sensed, i.e., the barrier of the image sensing apparatus is closed even during the power of the image sensing apparatus is turned on, if the

image sensing apparatus is conducting a non-image sensing operation such as exchanging images with the external computer. See, also, paragraphs [0003] and [0115] of the corresponding published specification. For example, according to the present invention, the image sensing optical system is moved to the non image sensing region when the apparatus is released from the state of being functionally connected to the external unit by functionally disconnecting from the external unit. Thus, the image sensing optical system can be protected at the right timing.

As Applicants understand it, none of the cited references shows or suggests these aspects of the present invention as discussed above which requires that the determination device causes the driving device to move the image sensing optical system based on a specific judgment, i.e., the image sensing apparatus is released from the image sensing operation of a state by functionally disconnecting from the external unit where the image sensing apparatus is connected to the external unit. For example, Saito merely discloses that the determination device determines how to drive the driving device based on instructions from a human input to the zoom lever. Also, Kobayashi merely teaches that a button must be depressed to retract the lens. See, e.g., Applicants' Appeal Brief submitted on December 15, 2006 for detailed teachings of Saito and Kobayashi. Moreover, there is nothing in Saito and Kobayashi that distinct different cases of connection status such as where the camera body and the host computer (or memory) are physically disconnected and where the camera body is functionally released from the state of being functionally connected to the host computer (or memory).

Applicants note that there could be several disadvantages if the judgment whether or not the camera body and host computer (memory) are functionally released as the present invention is not performed. For example, the image sensing optical system could be broken if the image

sensing optical system is not moved to the non image sensing region when the apparatus is physically connected but functionally released.

Takahashi is cited as disclosing that a lens is retracted to a rest position after a predetermined time period. Hashimoto is cited as disclosing that when a computer controls the camera, it is limited to transmitting and receiving images, which reads on non-image sensing states. However, as Applicants understand it, neither Takahashi nor Hashimoto shows or suggests the inventive aspect of the present application as discussed above, e.g., the determination device causes the driving device to move the image sensing optical system based on a specific judgment that the image sensing apparatus is released from the image sensing operation of a state where the image sensing apparatus is connected to the external computer.

Accordingly, claim 54 as amended is believed neither anticipated by nor rendered obvious in view of the cited references (i.e., Saito, Kobayashi, Takahashi and Hashimoto), either taken alone or in combination, for at least the reasons discussed above.

Reconsideration and withdrawal of the rejections of claim 54 under 35 U.S.C. §103(a) is respectfully requested.

Applicants have chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. These statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art. Likewise, Applicants have chosen not to swear behind the cited references or to otherwise submit evidence to traverse the rejection at this time. Applicants, however, reserve the right, as provided by 37 C.F.R. §§ 1.131 and 1.132, to do so in the future as appropriate. Finally, Applicants have not specifically addressed the rejections of the dependent claims (i.e., claims 55 and 57-63). Applicants respectfully submit that the independent claims, from which they

depend, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicants, however, reserve the right to address such rejections of the dependent claims in the future as appropriate.

Applicants believe that the application as amended is in condition for allowance and such action is respectfully requested.

**AUTHORIZATION**

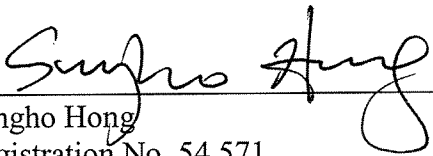
No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicants hereby petition the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-4522). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,  
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